

AO 91 (Rev. 5/85) Criminal Complaint

AUSA Karen L. Atkinson

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

FILED by K2 D.C.

JAN 13 2009

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

UNITED STATES OF AMERICA

V.

CALVIN ROBERTS, PHILLIP CURRY,
JOHNACIO SMITH, MICHAEL ROBERTS,
and ANTON JONES

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: 09-8009-AEV

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 10 through 12, 2009 in Palm Beach County, in the Southern District of Florida and elsewhere, defendants (Track Statutory Language of Offense)

did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons known and unknown to import a controlled substance into the United States, a violation of Title 21, United States Code, Section 852, all in violation of Title 21, United States Code, Section 963. Pursuant to Title 21, United States Code, Section 960(b)(1)(B), it is further alleged that the controlled substance was in fact a mixture and substance containing a detectable amount of cocaine, and that the amount containing a detectable amount of cocaine was at least 5 kilograms.

in violation of Title 21 United States Code, Section(s) 952; 963; 960(b)(1)(B)

I further state that I am a(n) Special Agent DEA and that this complaint is based on the following facts:

Please see attached Affidavit.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No



Signature of Complainant
Rodney Reston, Special Agent
U.S. Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

January 13, 2009

Date

at West Palm Beach, Florida
City and State

ANN E. VITUNAC
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Rodney Reston, Special Agent of the Drug Enforcement Administration (DEA),
United States Department of Justice, being duly sworn, deposes and says:

1. I am a Special Agent with the United States Drug Enforcement Administration (DEA). As such, I am an "investigative or law enforcement officer" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
2. I have been employed as a special agent of the DEA since August 2004. I am currently assigned to the West Palm Beach, Florida, Resident Office. Prior to becoming employed by the DEA, I was employed by the Jacksonville Sheriff's Office, Jacksonville, Florida as a Police Officer for approximately nine (9) years, and the Putnam County Sheriff's Office, Palatka, Florida for approximately three and one half years. During my career, I have conducted investigations and been instructed in techniques dealing with unlawful importation and distribution of narcotics, possession with intent to distribute controlled substances, use of communication facilities to conduct narcotics transactions, maintaining a place for purposes of manufacturing, distributing and using controlled substances, in violation of Title 21, United States Code, Sections 841(a) (1), 843(b), 846, 856, and 952.
3. This affidavit is provided in support of a criminal complaint for the arrests of

Calvin Roberts, Phillip Curry, Johnacio Smith, Michael Roberts, and Anton Jones. The information contained in this affidavit is based upon information which is known from firsthand knowledge by your Affiant and information which has been provided by other special agents and/or law enforcement officers during this investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, it does not contain each and every detail about this investigation of which I am aware.

4. On January 11, 2009, the Palm Beach Police Department (PBPd) received information concerning a Wellcraft vessel inbound to the United States from the Bahamas that someone had paid to have trailered to another location that night. At approximately 8:10 PM, marine officers from PBPd stopped a 27' Wellcraft vessel in the Palm Beach Inlet. The vessel displayed Florida registration numbers. The vessel's operator was identified as Calvin Roberts and Phillip Curry was a passenger. Roberts told the officers that they had just come from the Bahamas and they were taking to the vessel to the Cracker Boy boat yard in Riveria Beach to have fiberglass work done. Roberts further told the officers that the vessel belonged to a friend, but was only able to provide a partial name. Roberts produced a current Bahamian registration for the vessel; although the Florida registration was still valid. Curry told officers that he did not know who owned the boat and he came to the United States to go shopping. Roberts consented to a search of the vessel. A certified narcotics detection dog and handler were summoned to the vessel. The K-9 alerted to the presence of narcotics near the refrigerator in the vessel's cabin.

The refrigerator was secured to a cabinet by four phillipshead screws. A phillipshead screwdriver was located on the floor next to the refrigerator. Officers used that screwdriver to remove the refrigerator and located a compartment behind the refrigerator. Officers located 37 kilogram sized packages of suspected cocaine inside the compartment. An additional 51 kilograms of suspected cocaine were found in other locations in the vessel. Officers conducted a presumptive field test on the suspected cocaine and received a positive indication.

5. PBPB notified special agents from DEA and ICE, who responded. Your affiant and Special Agent Joseph McKee conducted a post Miranda interview with Calvin Roberts. Roberts told your affiant that he was hired to bring the vessel from the Bahamas to Cracker Boy boat yard for upholstery work, but that morning the owner of the vessel changed the destination location to Phil Foster Park in Riveria Beach. Roberts stated that he was to be paid \$2,000.00 for bringing the vessel to the United States and he was given a telephone number to call when he arrived. Curry told your affiant that he is a friend of Roberts and came along for the purpose of having his laptop computer worked on. Curry said that he did not have any knowledge of the narcotics on the vessel. Curry did not have any money or credit cards on his person. Curry told your affiant that he did not have hotel reservations in United States.
6. Roberts agreed to cooperate and provided the telephone number that he was to call upon his arrival. A series of telephone calls were made to that telephone number to a person later identified as Johnacio Smith. Roberts told your

affiant that Smith was to have arrangements made to trailer the boat to an unknown location. During the telephone conversations, Smith told Roberts because of the lateness of the hour to sleep on the boat; Roberts told Smith that he was not happy about having to sleep on the boat with the "shit". Smith then directed Roberts call a Bahamian telephone number.

7. On January 12, 2009 a employee from a boat towing company contacted law enforcement and told them that same person who had paid the business the day before to tow the vessel had just called them again requesting that they tow the vessel to an address in Delray Beach. The individual, later identified as Smith, requested to meet the tow company employee at Phil Foster Park at which time Smith would give them the exact address for the tow. During the same time frame, Smith and Roberts had telephone conversations concerning Smith making the arrangements to have the boat towed.
8. Smith met with the tow company employee and an undercover agent. Smith was arrested and found to be in possession of \$2,000.00. After being advised of his Miranda Rights and waiving them; Smith said that he was paid \$2,000.00 by an individual known to him as Michael Lockhart, and later identified as Michael Roberts, to make arrangements to have the vessel towed from Phil Foster Park to a residence in Delray Beach. M. Roberts also gave him money to pay the boat tow company. Smith placed telephone calls to M. Roberts and a person in the Bahamas advising them that he had the vessel on a boat trailer and it was being towed to Delray Beach. At your affiant's request, Smith told the person in the Bahamas that the boat tow company was

requesting an additional \$500.00, and Smith further requested that the person in the Bahamas direct "Mikcy" to bring the money to him. Smith and M. Roberts then had a series of telephone conversations arranging for a location to meet. Smith and M. Roberts agreed to meet at a gas station in Delray Beach, where M. Roberts would give Smith the additional \$500.00. M. Roberts called Smith and told him that he was there and surveillance agents observed M. Roberts arrive. Agents arrested M. Roberts and recovered \$500.00 from one hand and the cellular telephone that he had used to contact Smith in the other hand.

9. After being advised of his Miranda Rights and waiving them, M. Roberts agreed to cooperate. M. Roberts told your affiant that he had arrived in the United States from the Bahamas on January 11, 2009, via Discovery Cruise Line. M. Roberts told your affiant that upon his arrival, he met an individual known to him as Anton, later identified as Anton Jones, at the Hard Rock Casino in Ft. Lauderdale. M. Roberts said that Jones gave him \$2,000.00 plus another \$800.00 to pay Smith for his services plus expenses for the boat tow company. M. Roberts said that he then drove to the West Palm Beach area and met with Smith, where he gave him the money.
10. At the request of your affiant, M. Roberts called Jones and told him that the boat tow company was requesting an additional \$1,000.00. Jones told M. Roberts that he would meet with him in the Pembroke Pines area and give him the additional money. At your affiant's request, M. Roberts told Jones that the boat tow company needed the money quickly and told Jones to come further

north. Jones instructed M. Roberts to get off on Sample Road. Surveillance agents responded to the area. M. Roberts then called Jones back; Jones directed M. Roberts to business parking lot. Surveillance agents observed a black male in that parking lot who was on the telephone and appeared to be doing counter-surveillance. M. Roberts called Jones and told him that he was there and asked Jones what he was driving. Jones said that he was in a gray Jeep, and also told M. Roberts that he saw too many cars circling and directed M. Roberts to get back on the road and drive towards the interstate. Surveillance noted that the black male who they were watching was driving a gray Suburban and departed east on Sample Road in the direction of Interstate 95. The gray Suburban was stopped by a marked police car and the driver was identified as Anton Jones. Jones was found to have \$1,000.00 rubberbanded together and separated from the other money in his pocket. Jones was also in possession of the cellular telephone that had been used to contact M. Roberts.


11. After being advised of his Miranda Rights and waiving them, Jones agreed to cooperate. Jones told your affiant that he was to ensure that the delivery of 88 kilograms of cocaine to an individual in the South Florida area. Jones said that he met this person in the Bahamas approximately 1 ½ weeks ago when this person was there to pay for the cocaine. Jones said that he did not know to whom or how much that person had paid for the cocaine.

12. Based on the information set forth in the affidavit, your Affiant believes that there is probable cause to believe that Calvin Roberts, Phillip Curry, Johnacio Smith, Michael Roberts, and Anton Jones did conspire to import cocaine into the United States.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Special Agent Rodney Reston
Drug Enforcement Administration


Sworn to and subscribed before me this
3 day of ~~June~~ 2009, in West Palm
Beach, Florida.


Ann E. Vitunac
UNITED STATES MAGISTRATE JUDGE